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Deloitte Consulting, LLP

UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF CALIFORNIA

ANOOP RAJKUMAR,

Plaintiff,

v.

CISCO SYSTEMS, INC., WIPRO
TECHNOLOGIES, INC., DELOITTE
CONSULTING LLC, NAVEL MOHTA, VENU
DHARMAPURI, KENNY PAUL
and VARIOUS JOHN DOES,

Defendants.

Case No. C08 01600 PVT
UNLIMITED JURISDICTION

**DEFENDANT DELOITTE
CONSULTING LLP'S ANSWER
TO PLAINTIFF'S COMPLAINT**

Action Filed: March 24, 2008

Defendant Deloitte Consulting LLP ("Defendant"), identified by Plaintiff as
"Deloitte Consulting LLC," responds to the Complaint filed by Plaintiff Anoop Rajkumar
("Plaintiff") as follows:

JURISDICTION

1. The allegations are legal conclusions containing no factual allegations and,
thus, Defendant is not required to admit or deny the allegations in paragraph 1 of Plaintiff's
Complaint.

2. The allegations are legal conclusions containing no factual allegations and,
thus, Defendant is not required to admit or deny the allegations in paragraph 2 of Plaintiff's

1 Complaint.

2 **PARTIES**

3 3. Defendant is without sufficient information and belief to admit or deny the
4 allegations contained in paragraph 3 of Plaintiff's complaint and on that basis denies each
5 and every allegation thereof.

6 4. Defendant is without sufficient information and belief to admit or deny the
7 allegations contained in paragraph 4 of Plaintiff's complaint and on that basis denies each
8 and every allegation thereof.

9 5. Defendant is without sufficient information and belief to admit or deny the
10 allegations contained in paragraph 5 of Plaintiff's complaint and on that basis denies each
11 and every allegation thereof.

12 6. Defendant admits and avers that Deloitte Consulting LLP is a limited liability
13 partnership organized under the laws of the state of Delaware and maintains a place of
14 business located in Alameda County, California. Except as so expressly admitted and
15 avered, Defendant denies each and every allegation in paragraph 6 of Plaintiff's Complaint.

16 7. Defendant is without sufficient information and belief to admit or deny the
17 allegations contained in paragraph 7 of Plaintiff's complaint and on that basis denies each
18 and every allegation thereof.

19 8. Defendant is without sufficient information and belief to admit or deny the
20 allegations contained in paragraph 8 of Plaintiff's complaint and on that basis denies each
21 and every allegation thereof.

22 9. Defendant is without sufficient information and belief to admit or deny the
23 allegations contained in paragraph 9 of Plaintiff's complaint and on that basis denies each
24 and every allegation thereof.

25 10. Defendant is without sufficient information and belief to admit or deny the
26 allegations contained in paragraph 10 of Plaintiff's complaint and on that basis denies each
27 and every allegation thereof.

1 11. Defendant is without sufficient information and belief to admit or deny the
2 allegations contained in paragraph 11 of Plaintiff's complaint and on that basis denies each
3 and every allegation thereof.

4 12. Defendant is without sufficient information and belief to admit or deny the
5 allegations contained in paragraph 12 of Plaintiff's complaint and on that basis denies each
6 and every allegation thereof.

7 13. Defendant denies each and every allegation contained in paragraph 13 of
8 Plaintiff's Complaint.

9 14. Defendant denies each and every allegation contained in paragraph 14 of
10 Plaintiff's Complaint.

11 **COUNT 1 – 18 U.S.C. SECTION 2520**

12 15. – 18. The allegations contained in this count are not plead against this
13 Defendant.

14 **COUNT II – INVASION OF PRIVACY**

15 19. – 21. Defendant incorporates by reference its admissions and denials form
16 paragraphs 1-18 herein. The allegations contained in this count are not plead against
17 Defendant.

18 **COUNT III – INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

19 22. – 24. Defendant incorporates by reference its admissions and denials form
20 paragraphs 15, 16, 17 and 18 herein. The allegations contained in this count are not plead
21 against this Defendant.

22 **COUNT IV – INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

23 **(DELOITTE)**

24 25. Defendant denies each and every allegation contained in paragraph 25 of
25 Plaintiff's Complaint.

26 26. Defendant denies each and every allegation contained in paragraph 26 of
27 Plaintiff's Complaint.

COUNT V - TRESPASS

27. – 29. Defendant incorporates by reference its admissions and denials form paragraphs 16, 17 and 18 herein. The allegations contained in this count are not plead against this Defendant .

COUNT VI - DEFAMATION

30. – 33. Defendant incorporates by reference its admissions and denials form paragraphs 1 – 29 herein. The allegations contained in this count are not plead against this Defendant 31. Defendant denies each and every allegation contained in paragraph 31 of Plaintiff's Complaint.

COUNT VII – JOB LOSS

34. Defendant incorporates by reference its admissions and denials form paragraphs 1 – 33 herein.

35. Defendant denies each and every allegation contained in paragraph 35 of Plaintiff's Complaint.

36. Defendant denies each and every allegation contained in paragraph 36 of Plaintiff's Complaint.

37. Defendant denies each and every allegation contained in paragraph 37 of Plaintiff's Complaint.

AFFIRMATIVE DEFENSES

Defendant asserts the following affirmative defenses to Plaintiff's Complaint:

FIRST AFFIRMATIVE DEFENSE

As and for an affirmative defense to Plaintiff's Fourth and Seventh Claims for Relief, Defendant alleges:

1. Plaintiff lacks capacity or standing to bring this action against Defendant.

SECOND AFFIRMATIVE DEFENSE

As and for an affirmative defense to Plaintiff's Fourth and Seventh Claims for Relief, Defendant alleges:

2. Plaintiff failed to state facts sufficient to constitute a cause of action.

THIRD AFFIRMATIVE DEFENSE

As and for an affirmative defense to Plaintiff's Fourth and Seventh Claims for Relief, Defendant alleges:

3. Plaintiff's claims are subject to the exclusive jurisdiction of the Workers' Compensation laws of the State of California.

FOURTH AFFIRMATIVE DEFENSE

As and for an affirmative defense to Plaintiff's Fourth and Seventh Claims for Relief, Defendant alleges:

Plaintiff failed, in whole or in part, to exhaust his administrative remedies in a timely manner and/or the grievance procedures applicable to the disputes alleged in Plaintiff's Complaint.

FIFTH AFFIRMATIVE DEFENSE

As and for an affirmative defense to Plaintiff's Fourth and Seventh Claims for Relief, Defendant alleges:

5. Plaintiff's claims are barred by the applicable statute of limitations, including but not limited to California Code of Civil Procedure Sections 338, 339, and 340.

SIXTH AFFIRMATIVE DEFENSE

As and for an affirmative defense to Plaintiff's Fourth and Seventh Claims for Relief, Defendant alleges:

6. Plaintiff's claims are barred by the managerial privilege.

SEVENTH AFFIRMATIVE DEFENSE

As and for an affirmative defense to Plaintiff's Fourth and Seventh Claims for Relief, Defendant alleges:

7. Plaintiff's damages, the fact and extent of which are expressly denied, were proximately caused by intervening, superseding and/or supervening acts or omissions for which Defendant has no liability, or the acts or omissions of third parties. Defendant's

1 performance under the alleged contract, if any, was excused and prevented within the
2 meaning of Cal. Civ. Code Section 1511.

3 **EIGHTH AFFIRMATIVE DEFENSE**

4 As and for an affirmative defense to Plaintiff's Fourth and Seventh Claims for Relief,
5 Defendant alleges:

6 8. Defendant exercised reasonable care to prevent and correct promptly any
7 alleged unlawful behavior and Plaintiff failed to take advantage of preventive and corrective
8 opportunities offered by Defendant and/or otherwise to avoid harm.

9 **NINTH AFFIRMATIVE DEFENSE**

10 As and for an affirmative defense to Plaintiff's Fourth and Seventh Claims for Relief,
11 Defendant alleges:

12 Plaintiff's claims are barred, in whole or in part, by the doctrines of unclean
13 hands, waiver and/or estoppel.

14 **TENTH AFFIRMATIVE DEFENSE**

15 As and for an affirmative defense to Plaintiff's Fourth and Seventh Claims for Relief,
16 Defendant alleges:

17 10. Plaintiff's recovery, if any, of economic damages based upon the Complaint
18 and each purported cause of action therein must be offset by other income and benefits that
19 Plaintiff receives.

20 **ELEVENTH AFFIRMATIVE DEFENSE**

21 As and for an affirmative defense to Plaintiff's Fourth and Seventh Claims for Relief,
22 Defendant alleges:

23 11. Plaintiff has failed to take steps to mitigate his damages.

24 **TWELFTH AFFIRMATIVE DEFENSE**

25 As and for an affirmative defense to Plaintiff's Fourth and Seventh Claims for Relief,
26 Defendant alleges:

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1 12. Defendant's actions were for a legitimate business purpose necessary for the safe
2 and efficient operation of the Plans.

3 **THIRTEENTH AFFIRMATIVE DEFENSE**

4 As and for an affirmative defense to Plaintiff's Fourth and Seventh Claims for Relief,
5 Defendant alleges:

6 13. Defendant exercised reasonable care to prevent and correct promptly any
7 alleged unlawful behavior and Plaintiff failed to take advantage of preventive and corrective
8 opportunities offered by Defendant and/or otherwise to avoid harm.

9 **FOURTEENTH AFFIRMATIVE DEFENSE**

10 As and for an affirmative defense to Plaintiff's Fourth and Seventh Claims for Relief,
11 Defendant alleges:

12 14. All of the alleged acts and conduct of Defendant of which Plaintiff complains
13 were privileged and/or justified.

14 **FIFTEENTH AFFIRMATIVE DEFENSE**

15 As and for an affirmative defense to Plaintiff's Fourth and Seventh Claims for Relief,
16 Defendant alleges:

17 15. Any and all acts, occurrences and damages alleged or referred to in the
18 Complaint were proximately caused by the bad faith of Plaintiff in that Plaintiff failed to
19 deal fairly, honestly and reasonably with Defendant; therefore, the comparative bad faith of
20 Plaintiff reduces his right to recover, if any, by the amount which his bad faith contributed
21 to the damages alleged.

22 **SIXTEENTH AFFIRMATIVE DEFENSE**

23 As and for an affirmative defense to Plaintiff's Fourth and Seventh Claims for Relief,
24 Defendant alleges:

25 16. Plaintiff has failed, and continues to fail, to take reasonable steps to mitigate
26 his damages.

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CLAIM FOR PUNITIVE DAMAGES

SEVENTEENTH AFFIRMATIVE DEFENSE

As and for an affirmative defense to Plaintiff's claim for punitive damages,
Defendant alleges:

17. Plaintiff is not entitled to recover such damages.

WHEREFORE Defendant prays:

1. That Plaintiff's Complaint be dismissed in its entirety;

2. That Plaintiff take nothing by his Complaint;

3. That Defendant be awarded attorneys' fees and its costs of suit; and

4. That Defendant be granted such other and further relief as this Court may
deem appropriate.

Dated: June 30, 2008

PATRICIA K. GILLETTE
ORRICK, HERRINGTON & SUTCLIFFE
LLP



PATRICIA K. GILLETTE
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DELOITTE CONSULTING LLP